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Attorney Docket No. 21295.24 (E0398US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Johann Engelhardt and Frank Schreiber
APPLICATION NO: 09/856,414
CONFIRMATION NO: 7891 GROUP ART UNIT: 2872
FILED: May 18, 2001 EXAMINER: Unknown
FOR: *Method for Adjusting the System Parameters of a
Laser Scanning Microscope*

CERTIFICATE OF MAIL

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

By:

Deborah Celeste

Date

September 5, 2003

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. Copies of the listed items are enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped,

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however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. X **Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.**

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. X **Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).**

- b. _____ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is satisfied by the English language Abstract.
- c. _____ The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)
(check one box)

- a. _____ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. _____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. X before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):

(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

b. _____ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that:

- a. _____ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. _____ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As

to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ Please charge Deposit Account No. 502233 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

_____ A check in the amount of \$180.00 is enclosed.

X No fee is required.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000

[] Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

[X] Enclosed herewith is form PTO-1449:

[X] Copies of the cited references are enclosed.

[] Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]

- [X] The listed references marked with an "*" were cited in the enclosed International Search Report in a counterpart foreign application.
- [X] The "concise explanation" requirement (non-English references) for references cited in the attached 1449 under 37 CFR 1.98(a)(3) is satisfied by:
- [] the explanation provided on the attached sheet
 - [] the explanation provided in the Specification
 - [X] submission of the enclosed International Search Report
 - [] the enclosed English language abstract
- [X] The "concise explanation" requirement (non-English references) for reference DE 690 22 063 T2 is satisfied by the enclosed U.S. counterpart.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 502233.

Respectfully submitted,

Date: Sept. 5, 2003

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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				SEP 10 2001 ATTY DOCKET NO: 2129524 (E0398US)		SERIAL NO. 09/856,414			
				APPLICANT(S): Johann Engelhardt and Frank Schreiber					
				FILING DATE: May 18, 2001		ART UNIT: 2872			
UNITED STATES PATENT DOCUMENTS									
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR		
	AA	5,868,675	Feb 9 1999	Henrion, et al.	600	424			
FOREIGN PATENT DOCUMENTS									
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N		
*	BA	WO 95/19552	20 July 1995	PCT	G01J	1/20	Y		
*	BB	WO 98/28655	2 July 1998	PCT	G02F		Y		
*	BC	JP 11183806	9 July 1999	Patent Abstracts of Japan	G02B	21/00	Y (Abstract Only)		
*	BD	DE 19654211 A1	13 Aug 1998	DE	G02B	21/00	N		
	BE	DE 69022063 T2	13 June 1996	DE	A61B	19/00	U.S. Counter-part		
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)									
*	CA	"Scanned Probe Microscope Workstation", XP 000588089, IBM Technical Disclosure Bulletin, Vol. 38, No. 12, December 1995, pp. 117-122.							
*	CB	Trepte, Oliver, et al., "Computer Control for a Galvanometer Scanner in a Confocal Scanning Laser Microscope", XP 000475121, Optical Engineering, November 1994, Vol. 33, No. 11, pp. 3774-3780.							
*	CC	Moore, C.J.L., et al., "A Spatially Resolved Spectrally Resolved Photoluminescence Mapping System", Journal of Crystal Growth, 103 (1990) June 11, Nos. 1/4, Amsterdam, NL, pp. 21-27.							
*	CD	"Lichtrastermikroskopie zur flächigen Beurteilung von Oberflächen", XP 000312362, Microtechnic (1992) No. 3, Zurich, CH, pp. 28-31.							
*	CE	"Very High Magnification Optical Laser Microscope", XP 002132755. Solid State Technology (1986) April, No. 4, Washington, New York, USA, pp. 67-68.							
Examiner:				Date: 07/07/2001					

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